



107 Rec'd PCT/PTO 29 MAR 2006

FORM PTO-1390 (Modified)
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE
(REV 12-2004)

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| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY'S DOCKET NUMBER 065691-0397 |
| INTERNATIONAL APPLICATION NO. PCT/FR2004/000085 | INTERNATIONAL FILING DATE 1/16/2004 | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/542,406 |
| | | PRIORITY DATE CLAIMED 1/17/2003 |
| TITLE OF INVENTION COMPOSITION FOR ORAL ADMINISTRATION CONTAINING CAPSAICINOIDS | | |
| APPLICANT(S) FOR DO/EO/US Bernadette VERNEAU | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none">1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ul style="list-style-type: none"><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).<input checked="" type="checkbox"/> has been communicated by the International Bureau.<input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).<ul style="list-style-type: none"><input type="checkbox"/> is attached hereto.<input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ul style="list-style-type: none"><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).<input checked="" type="checkbox"/> have been communicated by the International Bureau.<input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.<input type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). | | |
| Items 11 to 20 below concern other document(s) or information included: | | |
| <ol style="list-style-type: none">11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A second preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> 50. A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.82518. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).20. <input checked="" type="checkbox"/> Other items or information: Return copy of Notification of Missing Requirements. | | |

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| U.S. APPLICATION NO. (if known, see 37 CFR. 1.5) 10/542,406 | | INTERNATIONAL APPLICATION NO. PCT/FR2004/000085 | | ATTORNEY'S DOCKET NUMBER 065691-0397 | |
| The following fees have been submitted: | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee | | \$300 | | \$ | 300.00 |
| 22. <input checked="" type="checkbox"/> Examination fee | | | | \$ | 200.00 |
| If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) | | \$100 | | | |
| All other situations | | \$200 | | | |
| 23. <input checked="" type="checkbox"/> Search fee | | | | | |
| Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | | \$100 | | | |
| International Search Report prepared and provided to the Office | | \$400 | | | |
| All other situations | | \$500 | | \$ | 400.00 |
| TOTAL OF ABOVE 21, 22 and 23 = | | | | \$ | 900.00 |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | |
| 17 | - 100 = 0 | /50 = 0 | x \$250.00 | \$ | 0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)) | | | | \$ | 130.00 |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total Claims | 22 - 20 = 2 | | x \$ 50.00 | \$ | 100.00 |
| Independent Claims | 1 - 3 = 0 | | x \$ 200.00 | \$ | 0.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$ 360.00 | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ | 1130.00 |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2. | | | | + | \$ 565.00 |
| SUBTOTAL = | | | | \$ | 565.00 |
| Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(ii)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ | 565.00 |
| TOTAL FEE PREVIOUSLY PAID: | | | | \$ | 500.00 |
| TOTAL FEES ENCLOSED = | | | | \$ | 65.00 |
| | | | | Amount to be refunded: | |
| | | | | charged: | |
| <p>a. <input checked="" type="checkbox"/> A check in the amount of \$500.00 was submitted on 7/15/2005. The balance due as calculated above is \$65.00, for which a credit card authorization form is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charge to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p style="text-align: center;">Foley & Lardner LLP Customer Number: 22428</p> <div style="text-align: right;"> <p>_____ SIGNATURE Stephen B. Maebius</p> <p>_____ NAME 35,264</p> <p>_____ REGISTRATION NUMBER</p> </div> | | | | | |

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